

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 222, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 16-18-2-202.5 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2001]: **Sec. 202.5. "Licensure inspection",**
- 6 **for purposes of IC 16-28-4.5, means any inspection or survey of a**
- 7 **health facility conducted by the state department of health."**
- 8 Page 1, line 11, after "Sec. 1." insert "(a)".
- 9 Page 1, line 15, delete "ten (10) days within a fourteen (14) day
- 10 period" and insert "**two (2) days or the equivalent number of hours**".
- 11 Page 1, line 16, delete "and".
- 12 Page 1, between lines 16 and 17, begin a new line block indented
- 13 and insert:
- 14 **"(2) has been assigned to shadow a local long term care**
- 15 **ombudsman for one (1) day or the equivalent number of**
- 16 **hours;"**.
- 17 Page 1, line 17, delete "(2)" and insert "(3)".
- 18 Page 2, line 1, delete "." and insert "; **and**".
- 19 Page 2, between lines 1 and 2, begin a new line block indented and
- 20 insert:
- 21 **"(4) has received program orientation from a representative**

of the long-term care ombudsman program and from a representative of the adult protective services program.

(b) Any Medicaid or Medicare certified facility to which an individual described in subsection (a) is assigned must have a state department nursing home report card score that falls within the top twenty-five percent (25%) of all scores."

Page 2, line 2, after "licensure" insert "inspection of a facility if:".

Page 2, delete lines 3 through 13, begin a new line block indented and insert:

- "(1) the individual has a financial interest in the facility;
- (2) a member of the individual's immediate family has a financial interest in the facility;
- (3) the individual has had a financial interest in the facility within the previous five (5) years;
- (4) a member of the individual's immediate family has had a financial interest in the facility within the previous five (5) years;
- (5) the individual is or has been employed by the facility, the owner corporation, or the management corporation in the previous five (5) years;
- (6) a member of the individual's immediate family is or has been employed by the facility, the owner corporation, or the management corporation in the previous five (5) years;
- (7) the individual has served as a consultant for the facility within the previous five (5) years; or
- (8) a member of the individual's immediate family has served as a consultant for the facility within the previous five (5) years.

Sec. 3. Inspectors may not be members of a trade association of licensed health care facilities.

Sec. 4. During a licensure inspection of a health facility, the health facility administrator, the director of nursing, and corporate level staff may record their conversations with any member of the inspection team at closed-door conferences held throughout the licensure inspection, subject to the following requirements:

- (1) The inspection team leader must be notified in writing that the taping will occur.
- (2) Copies of each tape recording must be provided to the team leader at the conclusion of the conference.

All taped conversations are considered to be part of the individual inspector's notes and documentation.

Sec. 5. Each inspector involved in an inspection must sign an

1 affidavit, which must be attached to the statement of deficiencies,
2 that states as follows:

3 "I swear under penalties of perjury that, to the best of my
4 knowledge and belief, the statements that I have written in
5 this document are true, accurate, and complete".

6 Page 2, line 14, delete "4." and insert "6."

7 Page 2, line 18, delete "citations, including the scope and severity
8 of the citations." and insert **"results of the inspection, including an
9 understanding of what must be done to correct any deficiencies and
10 the relative seriousness of the deficiencies, at the exit conference.**

11 **The following people must be invited to the exit conference:**

12 **(1) A member of the resident council.**

13 **(2) A member of the family council, if a family council exists.**

14 **(3) The local long-term care ombudsman.**

15 **(4) The complainant, if the exit conference is the result of a
16 licensure inspection related to a complainant and the
17 complainant is known."**

18 Page 2, line 19, delete "5." and insert "7."

19 Page 2, line 24, delete "6." and insert "8."

20 Page 2, line 25, delete "and" and insert ",".

21 Page 2, line 26, after "inspections" insert **", and representatives of
22 the state long-term care ombudsman program".**

23 Page 2, between lines 29 and 30, begin a new paragraph and insert:

24 **"Sec. 9. (a) An individual who participates in a licensure
25 inspection of a health facility related to a complaint must interview
26 the complainant, if known, prior to investigating the complaint.
27 However, the individual may commence the investigation without
28 first interviewing the complainant if the individual is unable to
29 contact the complainant after making at least three (3) attempts to
30 contact the complainant.**

31 **(b) The letter of notification to a complainant regarding the
32 results of an investigation must inform the complainant:**

33 **(1) that a copy of the investigative report of the results of the
34 licensure inspection related to the complaint is available upon
35 request; and**

36 **(2) of the manner in which the complainant may request a
37 review of the results of the investigation.**

38 **Sec. 10. During an annual or follow-up licensure inspection, an
39 inspector must schedule times to meet with family members of
40 residents of the facility. The posting that announces that the
41 licensure inspection team is in the building should also announce
42 the time and location that a member of the inspection team will be**

1 available each day to speak with family members, either
 2 individually or with other family members."

3 Page 2, delete lines 30 through 41.

4 Page 3, delete lines 13 through 42.

5 Page 4, delete lines 1 through 9.

6 Page 4, line 18, after "3." insert "(a)".

7 Page 4, delete lines 19 through 21.

8 Page 4, line 22, delete "(2)" and insert "(1)".

9 Page 4, line 23, delete "(3)" and insert "(2)".

10 Page 4, line 25, delete "(4)" and insert "(3)".

11 Page 4, line 26, after "teams" insert **"and individual complaint**
 12 **investigation results"**.

13 Page 4, between lines 26 and 27, begin a new line block indented
 14 and insert:

15 **"(4) To conduct quality assurance reviews on the state**
 16 **department's complaint prioritization, intake, and complaint**
 17 **inspection process.**

18 **(b) The office shall prepare a report of the result of each review**
 19 **authorized under subsection (a)(3). The office shall provide a copy**
 20 **of the report to the state department's long-term care division and**
 21 **to the person requesting the review. The report is a part of the**
 22 **public file of the facility. A review authorized under subsection**
 23 **(a)(3) must include a discussion with the inspector or the inspection**
 24 **team leader and the person filing the complaint."**

25 Page 4, line 27, delete "(a) The office shall review all health facility
 26 inspection".

27 Page 4, delete line 28.

28 Page 4, line 29, delete "citation constitutes a breach under
 29 IC 16-28-5."

30 Page 4, run in lines 27 through 29.

31 Page 4, line 31, after "inspectors" insert **"when conducting**
 32 **informal dispute resolutions"**.

33 Page 4, line 31, delete "After evaluating the".

34 Page 4, delete lines 32 through 36.

35 Page 4, between lines 40 and 41, begin a new paragraph and insert:
 36 **"Sec. 6. An employee assigned to the office of quality assurance**
 37 **must be free from conflict of interest. Conflicts of interest include:**

38 **(1) ongoing employment in, a contractual relationship with, or**
 39 **the participation in the management of a long-term care**
 40 **facility;**

41 **(2) an ongoing financial relationship in a long-term care**
 42 **facility or a long-term care service provider; or**

(3) an ongoing membership in a trade association of long-term care facilities.

Sec. 7. An individual may not be assigned to an informal dispute resolution for a facility if:

(1) the individual has a financial interest in the facility;

(2) a member of the individual's immediate family has a financial interest in the facility;

(3) the individual has had a financial interest in the facility in the previous five (5) years;

(4) a member of the individual's immediate family has had a financial interest in the facility in the previous five (5) years;

(5) the individual is or has been employed by the facility, the owner corporation, or the management corporation in the previous five (5) years;

(6) a member of the individual's immediate family is or has been employed by the facility, the owner corporation, or the management corporation in the previous five (5) years;

(7) the individual has served as a consultant for the facility within the previous five (5) years; or

(8) a member of the individual's immediate family has served as a consultant for the facility within the previous five (5) years."

Page 4, line 41, delete "6." and insert "8."

Page 5, line 1, after "The" insert **"office of quality assurance established within the"**.

Page 5, line 8, after "citations" insert **"by the type of inspection"**.

Page 5, between lines 11 and 12, begin a new line block indented and insert:

"(5) The number of complaints that fell into each priority level."

Page 5, line 12, delete "(5)" and insert "(6)".

Page 5, line 13, delete "(6)" and insert "(7)".

Page 5, line 16, delete "(7)" and insert "(8)".

Page 5, between lines 17 and 18, begin a new line block indented and insert:

"(9) An analysis of citations by scope and severity by survey region."

(10) A summary of the results of the review of complaints received regarding inspectors or inspection teams and individual complaint investigation results."

Page 5, line 20, after "whole" insert **"where statistics from other states are available"**.

1 Page 5, line 23, delete "health shall hold public meetings to explain
 2 the" and insert "**health, in consultation with health facility**
 3 **associations, the Indiana medical directors association, the state**
 4 **long-term care ombudsman, consumer advocacy organizations,**
 5 **and the federal Health Care Financing Administration, shall**
 6 **clarify the following terms to insure consistency in the inspections**
 7 **of health facilities under Title XVIII and Title XIX of the federal**
 8 **Social Security Act by the state department of health:".**

9 Page 5, delete lines 24 through 25.

10 Page 5, between lines 30 and 31, begin a new line block indented
 11 and insert:

12 **"(6) Isolated.**

13 **(7) Pattern.**

14 **(8) Widespread."**

15 Page 5, delete lines 31 through 36.

16 Page 5, line 37, delete "(c)" and insert "**(b)**".

17 Renumber all SECTIONS consecutively.

(Reference is to SB 222 as printed February 23, 2001.)

and when so amended that said bill do pass .

Committee Vote: Yeas 7, Nays 0.

Senator Miller, Chairperson